

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STATE OF MISSISSIPPI; STATE OF
ALABAMA; STATE OF ARKANSAS;
COMMONWEALTH OF
KENTUCKY; STATE OF
LOUISIANA; STATE OF MISSOURI;
and STATE OF MONTANA,
Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as Secretary of Health and
Human Services; THE UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
CHIQUITA BROOKS-LASURE, in her
official capacity as Administrator of the
Centers for Medicare and Medicaid
Services; THE CENTERS FOR
MEDICARE AND MEDICAID
SERVICES; THE UNITED STATES
OF AMERICA,
Defendants.

Case No. 1:22-cv-113-HSO-RPM

CONSENT MOTION TO EXTEND THIRD-PARTY DISCOVERY

This Court’s scheduling order allows the parties to take “third party discovery limited to the issue of standing” “until July 24, 2024.” Dkt. 136. For good cause, Plaintiffs respectfully ask for that deadline to be extended 21 days, moving the parties’ deadline to complete third-party discovery from July 24 to August 14.

On April 17, Defendants provided a list of 19 providers in the Plaintiff States who declared to Defendants completion of an anti-racism plan in performance year

2022. Plaintiffs served the providers with third-party subpoenas. Although most providers have produced documents, Plaintiffs have had ongoing issues with two that have yet to produce anything. Plaintiffs are currently communicating with counsel for one of those providers after being put in touch earlier this month. The additional time will allow Plaintiffs to continue those communications, resolve any disputes, and facilitate document production for the remaining providers.

On July 2, Defendants provided another list of 12 providers that attested to completing anti-racism plans in the Plaintiff States for performance year 2023. Defendants likewise served those providers with subpoenas. Some (but not all) providers have responded with document production. The additional time will allow Plaintiffs to continue receiving documents from the providers. The additional time will also allow Plaintiffs to resolve any disputes or resolve any issues with providers who may not produce documents before July 24.

Plaintiffs conferred with Defendants, who consent to this extension.

For all these reasons, Plaintiffs respectfully ask the Court to move the deadline to complete third-party discovery from July 24 to August 14.

Dated: July 17, 2024

s/ Justin L. Matheny

Justin L. Matheny (MS Bar No. 100754)

Deputy Solicitor General

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Respectfully submitted,

s/ Cameron T. Norris

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CERTIFICATE OF SERVICE

I e-filed this notice with the Court, which will email everyone requiring service.

Dated: July 17, 2024

s/ Cameron T. Norris